

REMARKS

An Office Action was mailed on October 21, 2004. Claims 1 – 10 are currently pending in the application. With this response, Applicant amends claims 1 and 8, and adds new claims 11 and 12. No new matter is introduced. Support for the amended and additional claims may be found, for example, in Applicant's specification at page 3, line 6 through page 10, line 16, page 17, lines 17 –21 and page 19, line 8 through page 20, line 6.

ACKNOWLEDGEMENT OF INFORMATION DISCLOSURE STATEMENT

Applicant mailed an IDS on November 19, 2002 which, upon information and belief, is recorded as received on November 25, 2002 is the U.S. Patent & Trademark Office (USPTO) PAIR file history. In a Response of July 30, 2004, Applicant requested that the Examiner provide a formal acknowledgement of the November 19, 2002 IDS, including an indication that the references disclosed by this IDS have been considered by the Examiner. Upon information and belief, no such acknowledgment is provided in the present Office Action, and Applicant has to date received no other indication from the USPTO that the November 25, 2002 IDS has been considered.

Applicant once again respectfully requests that the Examiner provide a formal acknowledgement of the November 19, 2002 IDS, including an indication that the references disclosed by this IDS have been considered by the Examiner.

REJECTION UNDER 35 U.S.C. § 112

Claim 8 is rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Specifically, the Examiner finds that certain necessary structural elements of the claimed computer apparatus are missing. Applicant amends claim 8 to recite additional structural

elements as identified by the Examiner. Support for this amendment may be found, for example, at page 3, line 6 through page 10, line 16 of Applicant's specification. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 - 10 are rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 5,923,016 to Fredregill et al. Applicant amends claim 1 to further clarify the nature of his invention, and respectfully traverses this rejection.

In independent claims 1 and 7 – 9, Applicant discloses method, apparatus, and computer-readable storage medium for processing an order of commodity transaction from a commodity ordering apparatus through a network, the method comprising the steps of: a) storing commodity information including at least a name and a selling price for a commodity that is an object of a transaction, b) storing periods applied respectively to specific commodities and specific parameters concerning economic return, applied to the commodities when the periods include dates relating to orders of the commodities, c) storing a general purpose parameter concerning economic return, to be applied when periods do not include dates relating to orders of commodities, d) and displaying, in response to a request, information on specific commodities, applicable periods, specific parameters and the general purpose apparatus on a commodity ordering apparatus.

Fredregill discloses an in-store points redemption system and method allowing a consumer to accumulate transaction points in response to in-store purchases, where the points are accumulated in a database and made available for redemption with regard to subsequent in-store purchases (see, e.g., the abstract of Fredregill). Unlike Applicant's claimed invention, however, Fredregill fails to disclose or suggest Applicant's claimed features relating to the display of

information on specific commodities including applicable periods and specific parameters on a commodity ordering apparatus.

The system disclosed by Fredregill is intended for use at a retail outlet for awarding points relating to items that a customer has already selected and presented for purchase (see, e.g., column 10, line 36 – column 11, line 30 of Fredregill). In sharp contrast to the system of Fredregill, Applicant's claimed invention supports a commodity ordering apparatus that can be used by a customer to obtain information about various commodities prior to making a purchase decision. In this mode, Applicant's claimed invention provides the benefit of displaying information on specific commodities including applicable periods and specific parameters on the commodity ordering apparatus in order to incent and influence the customer's purchase decisions. This claimed feature is neither disclosed nor suggested by Fredregill.

Accordingly, Applicant respectfully submits that claims 1 and 7 – 9 are not anticipated by Fredregill, and are therefore in condition for allowance.

In independent claim 10, Applicant discloses

10. A point service method, in which points corresponding to an amount of purchase are given to a customer who has purchased a commodity in an online shop, wherein:

when an order is received, a method of calculating points to be given is changed according to a date of purchase of the commodity, referring to a file that includes data relating the commodity, information required for calculation or points, and a period in which said information is to be applied; wherein

the information required for calculation of points includes a general-purpose parameter concerning economic return and a commodity-specific parameter concerning economic return, and the method of calculating points is changed by substituting the commodity-specific parameter for the general-purpose parameter.

According to the method disclosed by Fredregill, during the purchase of a points-eligible commodity item, a point accumulation system first calculates an associated number of "regular points", and if the item has bonus status, next calculates a number of "bonus points". In other

words, the calculation process employs a first step for performing a general calculation, and then a second step for performing a commodity-specific calculation.

In sharp contrast, Applicant's method as claimed in claim 10 provides commodity-specific parameter information such that a general parameter is replaced by the commodity-specific parameter for the purposes of calculation. Applicant's claimed approach provides the benefit of reducing the number of point determination calculating steps over the method of Fredregill.

Accordingly, Applicant respectfully submits that independent claim 10 is not anticipated by Fredregill, and is in condition for allowance.

In summary, Applicant submits for the above-cited reasons that independent claims 1 and 7 – 10 are not anticipated by Fredregill, and are therefore allowable. As each of dependent claims 2 – 6 depends from allowable claim 1, Applicant further submits that claims 2- 6 are allowable for at least this reason.

NEW CLAIMS

Applicant adds new claims 11 and 12, which are supported for example by Applicant's specification at page 17, lines 17 –21 and page 19, line 8 through page 20, line 6. As new claims 11 and 12 respectively depend from allowable claims 1 and 7, Applicant respectfully submits that new claims 11 and 12 are allowable for at least this reason.

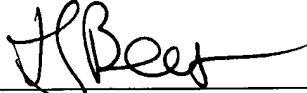
CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 – 12, including independent claims 1 and 7 – 10, and the claims dependent therefrom are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason

the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TJ Bean', written over a horizontal line.

Thomas J. Bean
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TJB:pm